

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2005-006094  
FC 2005-051051

08/18/2005

HON. STEVEN D. SHELDON

CLERK OF THE COURT  
S. Morris  
Deputy

FILED: 08/24/2005

IN RE THE MARRIAGE OF  
JOANNE ELIZABETH MORENO

BONNIE COX YARBROUGH

AND

JESUS PAUL MORENO

JESUS PAUL MORENO  
13445 N CANTERBURY DRIVE  
PHOENIX AZ 85022

AG-CHILD SUPPORT-NORTH  
CENTRAL OFFICE  
DOCKET-FAMILY COURT CCC  
SUPPORT SERVICES-CCC

**JUDGMENT/DECREE  
DECREE OF DISSOLUTION**

Courtroom 1102.

At the time of the Temporary Orders Hearing, Respondent's Exhibit 1 and Petitioner's Exhibit 2 were marked for identification and held for the time of trial.

9:07 a.m. This is the time set for Trial to the Court. Petitioner is represented by counsel, Bonnie Yarbrough. Respondent is present on his own behalf.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

It appears that FC2005-006094 was filed as a Petition for Legal Separation by Petitioner/Wife and FC2005-051051 was filed as a Petition for Dissolution by Respondent/Husband.

IT IS ORDERED consolidating FC2005-006094 and FC2005-051051 under cause number FC2005-006094 for all further proceedings by separate minute entry issued herewith.

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9:11 a.m. Petitioner is now present.

Matters discussed.

The parties request an opportunity to attempt to settle all issues and present an agreement to the Court.

9:18 a.m. Court stands at recess.

11:20 a.m. Court reconvenes with respective parties and counsel present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

The parties agree to the following financial issues for purposes of calculating child support:

- Father's income is \$62,000 per year or \$5,126 per month;
- Mother's income is \$1,376 per month;
- Mother pays \$165 childcare per week;
- Father provides medical insurance for the children at \$170 per month.

The Court has received a Parenting Conference Report from Conciliation Services which contains the parties' agreements and the recommendations.

After reviewing the parenting time schedule set forth in the Parenting Conference Report, the Court will calculate child support with a visitation adjustment for Father of 48 days per year.

The Court will calculate child support following this hearing.

The agreement of the parties is stated on the record.

Both parties testify (having been previously sworn on June 16, 2005) that the agreement stated on the record is, in fact, their agreement.

The Court accepts the parties' agreement having found that the parties knowingly, intelligently and voluntarily entered into said agreement, that it is in the best interests of the minor child(ren) and is equitable.

THE COURT FINDS that the parties have entered into a binding Rule 80(d) agreement, which will be enforceable by the Court consistent with the record made by counsel.

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Spousal maintenance remains at issue

Discussion regarding the spousal maintenance issue.

Joanne Moreno, previously sworn, testifies as to jurisdiction issues.

**JURISDICTION:**

Pursuant to A.R.S. 25-312,

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for at least ninety (90) days prior to the filing of the Petition for Dissolution; the conciliation provisions of A.R.S. Sec. 25-381.09 either have been met or do not apply; Wife is not pregnant, and the marriage is irretrievably broken. To the extent it has jurisdiction to do so, the Court has considered, approved and made provision for child custody, child support, spousal maintenance, and property and debt disposition.

IT IS ORDERED dissolving the marriage and restoring each party to the status of a single person.

IT IS FURTHER ORDERED, pursuant to A.R.S. 25-325(C), restoring Wife to her maiden name, JOANNE MORENO SOLORZANO.

**CUSTODY AND PARENTING TIME:**

IT IS ORDERED adopting as an order of the Court the custody and parenting time agreements of the parties and the recommendations contained in the Parenting Conference Report issued by Conciliation Services dated August 17, 2005, which includes that Mother will have sole legal custody of the parties' three minor children and contains specific parenting time agreements.

**PROPERTY AND DEBTS:**

Pursuant to agreement of the parties,

IT IS ORDERED as follows:

- Wife shall pay the amount owed to Bank One of about \$136;
- Wife shall retain the Ranger Pickup and be responsible for the remaining balance thereon effective immediately;
- Husband shall retain the Expedition and be responsible for the remaining balance thereon effective immediately;

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- Both parties agree that until the 401K money is available to Wife, Husband will allow Wife to drive the Expedition and Husband will drive the Ranger until the money is transferred to Wife;
- The 401k amount is in the amount of \$27,816 and there is a loan of \$12,000 against the 401K. Husband will take the loan and owns that portion of the 401K after the loan is repaid. The parties agree to split the remaining 401K as follows: Wife will take \$13,908 which is 50% of the 401K amount and an additional \$4,000. For consideration for this \$4,000, Wife foregoes any interest in Husband's military pension.
- Mother shall claim Jayden as a tax exemption every year.
- Father shall claim Joshua and Jestyne as tax exemptions every year,
- Taxes for 2005 will be filed as unmarried and separate with Husband paying taxes on his earnings and Wife paying taxes on her earnings.
- The parties agree to empty contents out of the storage shed by the end of the month with Husband making this month's payment. Each party shall take their own things from the storage shed.
- Wife shall keep any amount in the McKesson Employees Federal Credit Union checking account and savings account. When Wife opens another bank account, she will transfer whatever money is in those accounts to her new account, and Husband will then close the account. If Wife does not open a new account and transfer the funds within 120 days of this date, a review hearing will be set before the Court to determine why it has not been done, and the Court will order, under Title 25, that Wife provide a credit report to Husband for purposes of the review hearing.

THE COURT FINDS that the parties have no real property subject to division.

**SPOUSAL MAINTENANCE:**

IT IS ORDERED that Husband shall pay spousal maintenance to Wife in the amount of \$750 per month commencing September 1, 2005 for 3-1/2 years. This order is entered subject to both parties having the ability to object to this amount of spousal maintenance by filing written notice of said objection on or before September 19, 2005. If the parties determine they agree to the amount entered by the Court, they shall submit a written agreement to the Court, and the trial scheduled hereafter will be vacated.

In the event either party files an objection to the award of spousal maintenance on or before September 19, 2005,

IT IS ORDERED setting Trial to the Court on the issue of spousal maintenance only on **October 7, 2005 at 10:00 a.m.** (one hour) in this Division, 201 West Jefferson, Central Court

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Building, 11<sup>th</sup> Floor, Courtroom 1102, Phoenix, Arizona. If no objection is received by September 19, 2005, the trial date will be vacated.

IT IS FURTHER ORDERED that both parties and counsel, if represented, **SHALL** be physically present at the aforesaid date and time. Except for good cause shown, failure of either party to appear physically may result in sanctions being imposed, which may include the granting of the relief requested by the other party.

IT IS FURTHER ORDERED that each party **shall** deliver to the clerk of this division all exhibits to be used at trial **at least 3 days prior to the trial**. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of paper. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits will be precluded from being marked at the trial.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division three court business days before the scheduled hearing.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Forms (2).

FILED: Trial/Exhibit Worksheets.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

11:58 a.m. Court adjourns.

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**LATER:**

**CHILD SUPPORT:**

The Court having calculated child support as reflected in the Court's Child Support Worksheet filed herein (a copy of which is mailed to Petitioner's counsel and to Respondent),

IT IS ORDERED that Father shall pay child support to Mother in the amount of \$1,331.96 per month commencing September 1, 2005 by Order of Assignment through the Support Payment Clearinghouse. Until the Order of Assignment becomes effective, all payments shall be paid by Father directly to the Support Payment Clearinghouse in accordance with the Instructions attached to Father's copy of this minute entry.

IT IS FURTHER ORDERED approving and settling Order of Assignment for a total amount of \$2,084.21 (\$1,331.96 current child support + \$750.00 spousal maintenance + \$2.25 Clearinghouse handling fee) signed by the Court on August 18, 2005.

IT IS FURTHER ORDERED signing this minute entry as a formal written Decree of the Court, pursuant to Rule 58(A), and waiving the requirements of Rule 58(D).

/S/ HON. STEVEN D. SHELDON

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JUDICIAL OFFICER OF THE SUPERIOR COURT

Attachments:

JESUS PAUL MORENO: CCB-NW Non IV-D Payment Instructions